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12 Attorneys for Plaintiff
13 VERIGY US, INC.

14
15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA
18
19 SAN JOSE DIVISION

20 VERIGY US, INC, a Delaware Corporation

21 Case No. C07 04330 RMW (HRL)

22 Plaintiff,

23 vs.
24
25 ROMI OMAR MAYDER, an individual;
26 WESLEY MAYDER, an individual; SILICON
27 TEST SYSTEMS, INC., a California Corporation;
28 and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Judge: Honorable Howard R. Lloyd
Ctrm: 2

Complaint Filed: August 22, 2007
Trial Date: None Set

Defendants.

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30 AND RELATED CROSS-ACTIONS
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1 Pursuant to Civil Local Rules 7-11(a) and 79-5(b), Plaintiff Verigy U.S., Inc. ("Plaintiff"
2 or "Verigy") requests that the following materials be filed under seal, as they contain confidential
3 information that is protected by the Stipulated Protective Order entered by the Court on August
4 29, 2007. The documents submitted under seal include:

5 1. Portions of Verigy's Notice of Motion, Memorandum of Points and Authorities
6 ("MPA"), and Motion to Compel Production of Documents from Silicon Test Systems Inc. in
7 Response to Verigy's 4th Set of Requests for Production (collectively "MCP on 4th RFP");

8 2. Exhibits A, C, and D to the Declaration of Colin G. McCarthy in support of MCP
9 on 4th RFP;

10 3. Portions of Verigy's Notice of Motion, MPA, and Motion to Compel Discovery
11 Responses from STS, Inc. Re 2nd Set of Interrogatories and 1st Set of Requests for Admissions
12 (collectively "MCP on Interrogatories and RFAs");

13 4. Exhibits A, B, C and D to the Declaration of Colin G. McCarthy in support of MCP
14 on Interrogatories and RFAs;

15 5. Exhibits G and H to the Declaration of Colin G. McCarthy in Support of Verigy's
16 Notice of Motion and Motion to Compel Production of Documents from Defendants in Response
17 to 3rd & 5th Sets of Requests for Production. ("MCP on 3rd & 5th RFP")

18 These materials (hereafter "the Materials") each disclose information that has been
19 designated as "Highly Confidential—Attorneys' Eyes Only" (portions of the MPA in support of
20 MCP on 4th RFP and Exhibit C to McCarthy Declaration in support of the same; portions of the
21 MPA in support of the MCP on Interrogatories and RFAs and Exhibit B to McCarthy Declaration
22 in support of the same; and Exhibits G and H to the Declaration of Colin G. McCarthy in support
23 of MCP on 3rd and 5th RFP") or "Confidential" (portions of the MPA in support of MCP on 4th
24 RFP and Exhibits A and D to McCarthy Declaration in support of the same as well as portions of
25 the MPA in support of MCP on Interrogatories and RFAs and Exhibits A, C, and D to McCarthy
26 Declaration in support of the same) by the parties under the protective order, without objection to
27 those designations (although Verigy reserves its rights to challenge such designations pursuant to
28 the Stipulated Protective Order). Although the information in the Materials has been designated as

1 protected from disclosure under the Protective Order, Verigy relies on this information in support
2 of the three motions to compel (MCP on Interrogatories and RFAs; MCP on 4th RFP; and MCP on
3 3rd and 5th RFP). The parties' confidentiality interest therefore overcomes the right of public
4 access to the record, as a substantial probability exists that the parties' overriding confidentiality
5 interest will be prejudiced if the record is not sealed. Further, the proposed sealing is narrowly
6 tailored and no less restrictive means exist to achieve this overriding interest

7 Pursuant to Local Civil Rule 79-5(b)-(c), Verigy therefore lodges the Materials with this
8 Court, and respectfully requests leave to file the aforementioned documents under seal.

9 Respectfully submitted.

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11 Dated: September 10, 2008

BERGESON, LLP

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13 By: _____/s/
14 Colin G. McCarthy
Attorneys for Plaintiff
VERIGY US, INC.

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